IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4590 OF 2004

Shri Sadanand Mahadev Ambre & anr.. Petitioners

versus

Atmaram Jayram Ambre & ors.. Respondents

Mr.A.A.Garge for Petitioners

None for Respondents

CORAM : D.G.KARNIK, J

DATED : 27th January, 2006

P.C.

1. Heard learned counsel for the petitioners. The impugned order was passed by the Additional Commissioner on 13th December, 1997. The Writ Petition has been filed on 8th October, 2002. There is thus gross delay in filing of the Writ Petition.

2. Learned counsel for the petitioners states that the order passed in revision by the Additional Commissioner on 13th December, 1997 was challenged by way of a second revision before the State Government and the order in second revision

was passed on 11th July, 2002 and therefore, the Writ Petition has been filed expeditiously. A Full Bench of this Court has taken a view long ago that a second revision is not maintainable. Thus, the position in law is settled that the second revision which was filed by the petitioners before the State Government was not maintainable. The second revision has been dismissed on that very ground. Therefore, the time spent by the petitioners in pursuing the second revision which was incompetent cannot be excluded especialy when the position in law was settled by reason of the judgment of the Full Bench of this Court. No other satisfactory explanation is offered for the condonation of delay. Hence, the Writ Petition is rejected summarily.

(D.G. KARNIK, J)